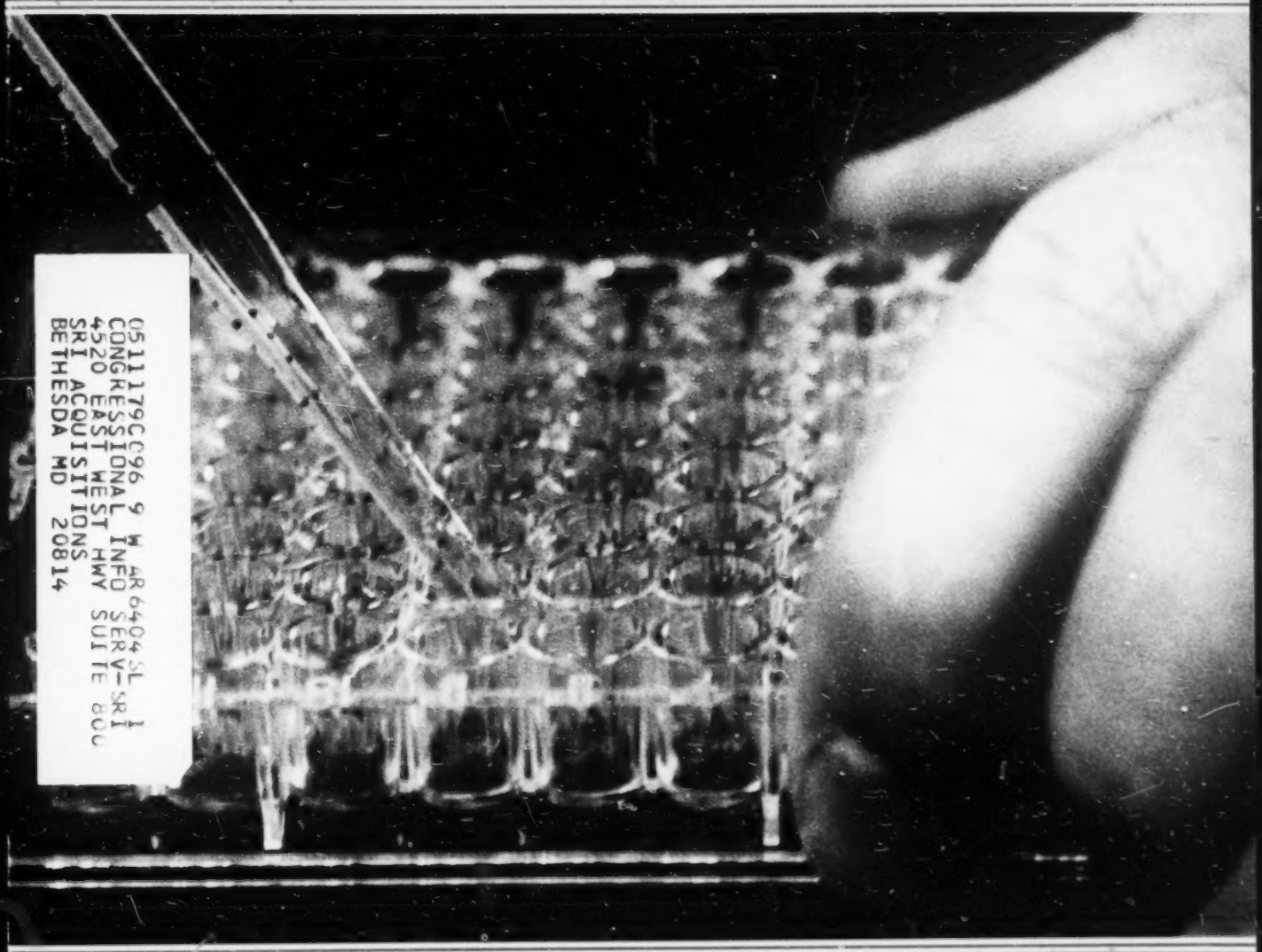
A1250-1

PRELIMINARY PROGRAM
ACS meeting in New York City
Page 47

JANUARY 27, 1986

CHEMICAL & ENGINEERING

# NEWS



05111796C096 9 W AR6404SL 1
CONGRESSIONAL INFO SERV-SRI
4520 EAST WEST HWY SUITE 800
SRI ACQUISITIONS
BETHESDA MD 20814

## Synthetic Antiviral Agents

Page 28

CHEMICAL & ENGINEERING
NEWS

Volume 64, Number 4
CENEAR 64 (4) 1–72
ISSN 0009-2347

JANUARY 27, 1986

## News of the Week

■ **Survey of risk managers indicates many are concerned about tort liability system.** **Page 4**

■ **Tissue culture techniques developed for cloning guayule could lead to commercial use of the rubber-yielding plant.** **Page 5**

■ **U.S. Synthetic Fuels Corp. goes out with a bang—a final controversial commitment.** **Page 5**

■ **EPA proposes immediate ban on five asbestos uses and complete phaseout of the fire retardant in 10 years' time.** **Page 6**

■ **Blast in ammonium dichromate unit at Diamond Shamrock plant kills two employees.** **Page 6**

*Cover:* Cells growing in culture media will be infected with viruses in testing antiviral agents

Letters 2

**Concentrates**
Business 8
Government 14
Science/Technology 20

**The Departments**
ACS Comment 42
Newscripts 72

## Business

**Union Carbide survives GAF takeover bid,** but is left a much smaller and weaker chemical company with a huge debt load. **Page 11**

## Government

**Control of scientific research** seen as growing, according to study by Congress' Office of Technology Assessment. **Page 17**

**Quantification of hazardous waste generation difficult,** as two new reports on chemical industry's handling of waste demonstrate. **Page 18**

## Science

**Final regional meeting on Pimentel Report** emphasizes the usefulness of chemistry to society, need for financial support. **Page 21**

**Revisions to periodic table** spark controversy five years after ACS and IUPAC began efforts to redesignate element groups. **Page 22**

## Technology

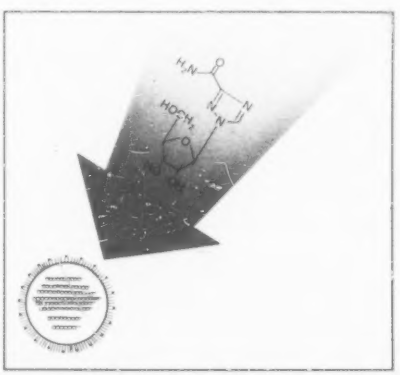
**New nonsulfurous pulping process** for papermaking is based on the use of acetic acid and ethyl acetate. **Page 25**

## ACS News

**First group of 1986 Petroleum Research Fund grants** approved by the ACS Board of Directors. **Page 43**

## Preliminary Program

**ACS spring meeting in New York City** comprises 520 technical sessions, teleconferencing, and many special events. **Page 47**



## Special Report

**Expanding array of synthetic compounds now are being tested clinically to determine efficacy in treating many viral infections, including AIDS.** **Page 28**

# LIABILITY AWARD SYSTEM: Survey shows many favor changes

A new group was formed earlier this month in Washington, D.C.—the American Tort Reform Association. According to the organization's president, James K. Coyne, its aim is to eliminate "a disease that consumes as much as $50 billion of the U.S. gross national product and wastes some of America's finest minds, best products, most successful research and production facilities, and saps the creativity and energy of public and private enterprises."

The disease Coyne refers to isn't physical. It is the epidemic of lawsuits, some 16 million per year according to ATRA, filed under the tort liability system. Torts are wrongful actions that the law requires the victims be compensated for. However, Coyne, who is also executive vice president of the American Consulting Engineers Council and a former Congressman from Pennsylvania, contends that the current system has led to liability awards that show no relationship to fact, fault, or fairness.

That ATRA isn't alone in its concern is obvious from a recent survey of risk managers at 1300 U.S. companies. That survey shows "a strong referendum for change," says David Holbrook, director of the study and executive vice president of Marsh & McLennon Inc., the insurance brokerage firm that produced the study.

Begun at the end of 1984, the survey included risk managers from a broad spectrum of U.S. corporations, including manufacturing and chemical firms, educational institutions, health care providers, and retailers. The survey found broad dissatisfaction with several aspects of the present tort law system. For instance, 75% of respondents agreed the current jury system under trial conditions cannot reasonably resolve complicated scientific questions of causality. And 63% favored reforming the tort law system through uniform federal standards.

The area of tort law receiving the strongest reactions from risk managers was that of punitive damages—awards assessed to punish antisocial, but not blatantly criminal, acts. Here 90% of respondents agreed that legislation should be considered that would prevent or discourage plaintiffs' attorneys from seeking punitive damages without valid purpose. To discourage abuse of the system, 79% would prohibit plaintiffs' attorneys from obtaining fees for the punitive damage portions of claims.

The survey found opinion divided on other appropriate ways to reform the tort legal system. By a 50 to 44% margin, the risk managers favored federal legislation to define

**Although chemical companies surveyed are more concerned about their own liability . . .**

| Survey question | Response of chemical and pharmaceutical firms | Response of all industries |
|---|---|---|
| Products liability reform very or somewhat important to company | 87% | 65% |
| Very or somewhat exposed to loss of sales due to product recall | 56 | 32 |
| Use environmentally hazardous substances | 94 | 69 |
| Very or somewhat concerned about occupational liability issues | 97 | 84 |

**. . . they see the same problems with the present tort law system . . .**

| | | |
|---|---|---|
| Agree that current system may be abused but generally works well | 24 | 29 |
| Agree that current jury system cannot reasonably resolve scientific questions of causality | 80 | 75 |
| Agree that the tort system is the most efficient way to protect the environment | 52 | 52 |
| Agree that excise tax is necessary to fund designated-site cleanups | 58 | 58 |

**. . . and favor the same measures that other companies do to reform tort law**

| | | |
|---|---|---|
| Agree that federal tort reform legislation establishing uniform standards is the most effective way to reform present system | 65 | 63 |
| Agree that legislation to provide specific solutions should be investigated | 44 | 39 |
| Agree that no-fault insurance is the best way to deal with diseases that arise many years after exposure to specific products | 57 | 62 |
| Agree plaintiffs' attorneys should be prohibited from obtaining fees for punitive damages portion of claims | 73 | 79 |

Source: Marsh & McLennan survey

the legal responsibility of insurers for occupational diseases, but only 35% supported (and 58% opposed) legislation to create a special fund for compensation similar to that for black-lung disease. A no-fault recovery system—such as that proposed by the American Bar Association, that would aid deserving victims of environmental impairment who might not ordinarily seek compensation because of high legal costs—was favored by 59% of respondents. However, by a 55 to 34% margin, they rejected the idea of an excise tax to fund such a system.

"The risk managers appear to be saying that we can bite the bullet now—and go through the arduous, but necessary, task of reforming tort law—or we can simply wait and face the consequences of inaction," Holbrook says. Among those consequences are increased wariness to take even the prudent risks that are essential for growth, diminished competitiveness of U.S. businesses in world markets, and further deterioration of insurance markets.

ATRA says it will work at both the federal and state levels to address some of these concerns such as reforming lawyers' contingency fees; limiting awards for punitive damages and noneconomic losses; restricting the use of joint and several liability; and imposing appropriate statutes of limitations.

ATRA has 24 founding member organizations—including such diverse groups as the American Association of Community & Junior Colleges, the National Paint & Coatings Association, and the National Association for Child Care Management—which together represent 960,000 businesses, professionals, and public entities. Coyne expects that eventually ATRA will have 200 member organizations.

Less than a week after ATRA was formed, Coyne testified before the Public Works & Transportation Subcommittee on Investigations & Oversight, chaired by Rep. James L. Oberstar (D.-Minn.), which is holding hearings on the liability insurance crisis. In addition, Coyne says, ATRA has been invited to the White House next month to express its concerns and explore ways of achieving its goals. □

## Guayule cloning could give high-yielding plant

Tissue culture techniques for cloning guayule have been developed successfully by scientists at the University of California, Irvine. That cloning technology could give plant breeders a new tool for developing high-yielding varieties of the rubber-producing plant. And such varieties, in turn, hold promise for promoting commercial use of guayule.

Guayule has been of interest for some years as a potential new, domestic source of natural rubber. The plant grows in the desert climate of southwest Texas and northern Mexico, and it produces natural rubber that is nearly identical to that from tropical rubber trees. But a major obstacle to speeding commercial development is the need for higher-yielding varieties.

Conventional plant breeding techniques don't work with guayule, explains David N. Radin, a plant cell geneticist at Irvine who developed the cloning technology with funding from the National Science Foundation. Guayule, he points out, is a highly heterozygous plant, an outcrossing species. It is very difficult to breed true varieties. But with the tissue culture technology, breeders could reproduce large numbers of genetically identical offspring from an individual improved guayule plant.

"One such plant," Radin says, "could produce enough clones to allow field testing of the new selection on a large scale under conditions similar to those expected during agricultural production. If these preliminary tests proved successful, clonal reproduction then could be scaled up to provide the improved seed needed for crop production."

For cloning to be useful in this way for guayule, Radin aimed his research specifically at developing techniques that could be used with tissue from older plants. Important traits such as drought resistance and rubber yield, he explains, often aren't expressed until plants are mature.

In cloning, small pieces of living plants are used to start the growth of tissue cultures in vitro. Once established, the cultures produce undifferentiated tissue that can be transferred to another culture medium that induces root growth. The plantlets then can be removed and grown in soil the same as normal seedlings. □

## Synfuels Corp. closing with one last action

U.S. Synthetic Fuels Corp. has taken its last official action and is preparing to close up shop. But the once-touted agency that was designed to help make the U.S. independent of foreign oil is not going quietly.

At its final board of directors meeting, SFC approved an amendment agreement for Union Oil's Parachute Creek oil shale project that provides it with $300 million in loan guarantees and up to $173 million in price guarantees. That project already has received about $800 million worth of awards from the agency. SFC believes it was legally obligated to make this commitment despite a December order from Congress that it was not to make any further awards. Edward E. Noble, SFC chairman, says the corporation made its commitment to Union Oil in October last year

*Noble: ready for the next crunch*